

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 20, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN DOE,

Plaintiff,

vs.

BOARD OF TRUSTEES OF
WHITMAN COLLEGE, a non-profit
corporation,

Defendant.

No. 4:23-CV-05051-MKD

ORDER SETTING HEARING ON
TEMPORARY RESTRAINING
ORDER

ECF No. 5

On April 20, 2023, the Court held a hearing to address a schedule for two motions that were pending in state court prior to removal to this Court. ECF No. 2-1 at 6. The first was a Motion to Proceed Under a Pseudonym, to permit Plaintiff to be referred to as John Doe. At the hearing, Plaintiff John Doe made the motion again to this Court, and Defendant Whitman College indicated no opposition. ECF No. 5. The Ninth Circuit permits the use of pseudonyms “in the ‘unusual case ‘when nondisclosure of the party’s identity ‘is necessary . . . to protect a person from harassment, injury, ridicule or personal embarrassment.’”

1 *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067-68 (9th Cir.
2 2000). The motion is granted.

3 The second motion pending in state court prior to removal was a Motion for
4 Temporary Restraining Order. ECF No. 2-1 at 15. The motion seeks a temporary
5 injunction to prevent Whitman from expelling Doe seven weeks before his
6 graduation. The motion is a request made under state law. There is no briefing
7 from the opposing party. The Court will hear the motion on Monday, April 24,
8 2023.

9 Accordingly, **IT IS ORDERED:**

10 1. Plaintiff's Oral Motion to Proceed Under a Pseudonym, **ECF No. 5**, is
11 **GRANTED.**

12 2. A video hearing is **SET** on Plaintiff's request for a Temporary
13 Restraining Order on **April 24, 2023, at 2:15 p.m., in Richland, Washington.**

14 3. Plaintiff shall file **on or before 5:00 p.m. on Friday, April 21, 2023**,
15 a supplemental brief addressing the standard for seeking a temporary restraining
16 order before this court.

17 4. Defendant shall file **on or before 12:00 p.m. on Sunday, April 23,**
18 **2023**, any opposition to the motion for a temporary restraining order.

19 5. The parties are permitted to file in excess of the page limits required
20 by LCivR(f)(5). The briefs described herein shall not exceed 30 pages.

1 **IT IS SO ORDERED.** The District Court Executive is directed to file
2 this Order and provide copies to counsel.

3 DATED April 20, 2023.

4 s/Mary K. Dimke
5 MARY K. DIMKE
6 UNITED STATES DISTRICT JUDGE
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